

Notice of Allowability

Application No.

10/047,784

Examiner

J. Derek Rutten

Applicant(s)

BARKER ET AL.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/22/06 Appeal Brief.
2. ☒ The allowed claim(s) is/are 1,2,4-9,11-16,19-22,24 and 25 (renumbered 1-21).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

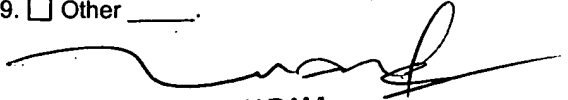
5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413), PTOL-413B
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


TUANDAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. This action is in response to Applicant's Appeal Brief filed 11/22/2006, responding to the 11/17/2005 Final Office action which detailed the rejection of claims 1, 2, 4-16, and 18-28.

Applicant's arguments, particularly the arguments presented on page 17, are persuasive. Thus, prosecution has been reopened and the prior rejections have been withdrawn. Claim 10 was canceled in the 1/17/2006 after final amendment. Claims 1, 2, 4-9, 11-16, and 18-28 remain pending in the application and have been fully considered by the examiner.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Page 17 filed 11/22/06 convincingly argues that the prior art does not disclose retrieving names in response to determining if an element is an instance or a non-instance as claimed in claim 1, but this scenario was not adequately covered by claims 23, 26, and 28. Further, these claims appeared to present possible issues with 35 U.S.C. 101 as lacking a useful and concrete result, since the case of a non-instance element is not addressed and the resulting display name in that case is indeterminate. Also, recitations of "computer operable medium" found in claims 15, 25, and 28 were interpreted to be directed to a nonstatutory "signal" according to the specification, e.g. pages 11 and 21. In the interest of compact prosecution, Applicants'

Art Unit: 2192

representative agreed to amend claims 15 and 25, and cancel claims 23 and 26-28, thereby removing all remaining issues.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Van Leeuwen, Reg. No. 44,383 on 2/23/2007.

The application has been amended as follows:

IN THE CLAIMS

Please amend claims 15 and 25, and cancel claims 23 and 26-28 as follows:

15 (Currently Amended): In claim 15 at line 1, please insert "nonvolatile" before -- computer operable medium--.

23 (Canceled).

25 (Currently Amended): In claim 25 at line 1, please insert "nonvolatile" before -- computer operable medium--.

26 (Canceled).

27 (Canceled).

28 (Canceled).

29 (Canceled).

--End Examiner's Amendment--

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Art Unit: 2192

As pointed out by Applicants (see page 17, filed 11/22/2006), the cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, retrieving a name from a management data definition, wherein the retrieved name is a non-instance name if it is determined that an element corresponding to the element identifier is a non-instance element and wherein the retrieved name is an instance name if it is determined that the element corresponding to the element identifier is an instance element. These limitations are present in each of independent claims 1, 8, 15, 22, 24, and 25. The distinctions provided by the independent claims apply equally to all dependent claims. Thus all pending claims 1, 2, 4-9, 11-16, 18-22, 24, and 25 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

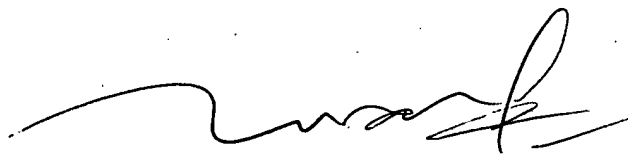
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (571)272-3703. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2192

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jdr



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